UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

THE PENSION COMMITTEE OF THE UNIVERSITY OF MONTREAL PENSION PLAN, et al.,)))
Plaintiffs,	05 Civ. 9016 (SAS) (FM)
v.))
) ECF Case
BANC OF AMERICA SECURITIES, LLC, CITCO FUND)
SERVICES (CURACAO) N.V., THE CITCO GROUP)
LIMITED, INTERNATIONAL FUND SERVICES	Oral Argument Requested
(IRELAND) LIMITED, PRICEWATERHOUSECOOPERS)
(NETHERLANDS ANTILLES), JOHN W. BENDALL,	,)
JR., RICHARD GEIST, ANTHONY J. STOCKS, KIERAN	,)
CONROY, DECLAN QUILLIGAN, and)
INTERCARIBBEAN SERVICES, LIMITED,)
)
Defendants.)
)
	,)

DEFENDANT BANC OF AMERICA SECURITIES LLC'S NOTICE OF MOTION TO DISMISS CITCO FUND SERVICES (CURACAO) N.V.'S SECOND CROSS CLAIM

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Banc of America Securities LLC's Motion to Dismiss Citco Fund Services (Curacao) N.V.'s Second Cross Claim, and upon the Declaration of Peter K. Vigeland in support thereof, dated September 2, 2009, and the exhibits thereto, and upon all prior proceedings herein, Defendant Banc of America Securities LLC, by and through its undersigned counsel, will move this Court before the Honorable Shira A. Scheindlin, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 15C, New York, New York, 10007, at a time and date convenient for the Court, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing Citco Fund Services (Curacao) N.V.'s Second Cross Claim against Banc of America

Securities LLC for failure to state a claim upon which relief can be granted and granting such

other relief as this Court may deem just and proper.

Counsel for Banc of America Securities LLC certifies, pursuant to Section III(B) of the

Court's Individual Rules and Procedures, that it has exchanged letters with counsel for Citco

Fund Services (Curacao) N.V. in an attempt to eliminate the need for this motion.

Dated: September 3, 2009 New York, New York

Respectfully submitted,

By: /s/ Peter K. Vigeland

Peter K. Vigeland Paul M. Winke

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Attorneys for Defendant Banc of America

Securities LLC

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